IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 4955 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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RAMESHBHAI RAMANBHAI HARANIYA - Appellant(s)
Versus
BHAVANSINH PRATAPSINH & 2 - Defendant(s)

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Appearance :
MR R N SHAH for Appellant(s) : 1,
NOTICE SERVED for Defendant(s) : 1 - 2.
MS AVANI S MEHTA for Defendant(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 11/08/2006

ORAL JUDGMENT

1.0 By way of this appeal, the appellant has challenged the judgment and award of the Motor Accident Claims Tribunal, Ahmedabad passed in M.A.C.P. No.873 of 1985 dated 25.03.1998.

2.0 The brief facts of the case are that on 03.07.1985, when the present appellant was standing near a hotel on Ahmedabad-Modasa highway, he met with an accident caused by a

jeep-car driven by present opponent No.1 and owned by the present opponent No.2. On account of the said accident, the appellant received serious bodily injuries, and therefore, he filed a petition claiming an amount of Rs.1,00,000/- by way of compensation.

2.1 In the said petition, after hearing the parties, the Tribunal, passed the judgment and award which is under challenge in this appeal.

3.0 Heard learned Counsel for the appellant and opponent No.3. Though, served none appears on behalf of the opponent Nos. 1 and 2. It was the case of the appellant before the Tribunal that he sustained injuries on account of the rash and negligent driving on the part of the opponent No.1. The story put forward by the appellant is supported by the evidence of witnesses-Rameshbhai Ramanbhai(Exh.25) and Ratilal Jehaji (Exh.42), copy of the complaint (Exh.45) and 'Panchnama' of the scene of offence (Exh.46). It may be noted

that the opponent No.1 did not appear before the Tribunal. Therefore, the Tribunal is justified in holding that the appellant sustained injuries on account of the rash and negligent driving on the part of the opponent No.1, and hence, the appellant is entitled for compensation.

3.1 While considering the aspect of compensation, the Tribunal has taken into consideration the medical and other evidence available on record. Looking to the nature of injuries and disability sustained by the appellant, the period of hospitalization and considering the income of the appellant at Rs.600/- per month, the compensation awarded by the Tribunal, in my opinion, is just and reasonable. No case has been made out by the appellant for enhancement of the amount of compensation. I am, therefore, in complete agreement with the reasonings given and the findings arrived at by the Tribunal and, hence, do not find any reason to interfere in this

appeal.

4.0 In the result, the appeal is dismissed. No order as to costs.

(K. S. Jhaveri, J.)

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